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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,477	12/11/2003	Bruno Fabre	945-011610-US (PAR)	7684
2512	7590	06/30/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			PHAM, TOAN NGOC	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,477

Applicant(s)

FABRE ET AL.

Examiner

Toan N. Pham

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/11/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hum et al. (US 6,714,133).

Regarding claim 1: Hum et al. discloses a short range communication device for identifying articles each provided with a transponder, comprising radio-frequency (RF) interrogation means (12, 156) for obtaining identifying information on each of the articles, said RF interrogation means comprising an RF antenna (16) coupled to an electronic module for processing the identifying information issuing from the transponders, wherein said RF antenna is incorporated on two opposite ends of a garment worn by an agent in charge of collecting said articles arranged loose over a storage area, and connected to said electronic module (12, 156) worn by the agent by communication lines (14, 160a, 160b) incorporated in the garment, said electronic module comprising a microcontroller for controlling and storing information of the

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transponder which obviously discriminates and identifies information from the transponders (col. 3, line 51-col. 4, line 29; col. 5, lines 2-55).

Regarding claim 2: Hum et al. discloses the antenna includes two flat coils (16a-16n; 158a, 158b) in the garment (col.3, lines 56-58; Figs. 4a, 4b).

Regarding claim 3: Hum et al. discloses the two coils linking to an electronic module (156) (Figs 4a, 4b).

Regarding claim 4: Hum et al. discloses the electronic module (12, 156) comprises comparison means for comparing the identifying information obtained from the transponders with references relative to the articles to be identified, and thus validating, as they are being collected, the articles read by the agent (col. 4, lines 6-13).

Regarding claim 5: Hum et al. discloses memory means for storing the reference relative to the article to be identified (col. 6, lines 59-67).

Regarding claim 6: Hum et al. discloses the output device (8) is a visual and audible indicating device (col. 6, lines 43-45).

Regarding claim 7: Hum et al. discloses the system is communicated via a short range communication device (col. 3, line 51-col. 4, line 29; abstract).

Regarding claim 8: Hum discloses the system's interrogator may use any wireless protocols of current or future (col. 4, lines 16-20); thus, infrared signals are well known and used in the art of wireless communications.

Regarding claim 9: See claim 1 above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Hum et al. (US 6,842,116), Van Heerden et al. (US 6,677,917), Swartz et al. (US 6,853,293), and Swift et al. (US 6,098,886) are cited to show a variety of wearable communication systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N. Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 20, 2005

TOAN N. PHAM
PRIMARY EXAMINER

